

TO: Gerard T Leone, Jr., District Attorney
FROM: Adrienne C. Lynch, Assistant District Attorney
DATE: January 7, 2013
RE: Police Shooting in Marlborough – Bryce Coutinho Death
Investigation

On November 12, 2012, at 7:53 p.m., [REDACTED], 22 years of age, called the Marlborough Police and asked that police respond to 52 Meadowbrook Road in Marlborough to escort her ex-boyfriend out of her house. She reported to the dispatcher that she broke up with him and asked him to leave but he refused. She also reported that “he has been trying to cut himself.” Ms. [REDACTED] also told the dispatcher that her ex-boyfriend was not aware that she was calling the police. Marlborough police responded.

The first officer on scene, Soren Levenson, went into the house, leaving the sergeant and a second responding officer outside. Officer Levenson was directed up to a second floor bedroom where the unwanted party, twenty-two year old Bryce Coutinho, was found lying on the bed in the bedroom to the left at the top of the stairs. It was only the officer and Coutinho on the second floor. The officer asked Coutinho to show him his hands and to sit up and get off the bed. Although Coutinho initially refused to do so, when he did, the officer saw a knife on the bed. As Coutinho got up off the bed, he grabbed the knife and the officer took two steps backwards and drew his service weapon. Coutinho held the knife in his hand in a menacing fashion and advanced on the officer who had very little room to maneuver, but who, nevertheless, attempted to back away somewhat, i.e. to the extent possible, to avoid being stabbed. Fearing for his own life,

Officer Levenson shot Bryce Coutinho twice in the chest from a distance of about five to six feet. Coutinho fell to the floor and dropped the knife.

There were three civilians and two other police officers in the house when the shooting occurred. The second officer, Campbell, was almost to the top of the stairs, and the sergeant was at the foot of the stairs. Three civilians were on the first floor and the other two civilians were outside at the front of the house when shots were fired. All persons inside and outside the house were interviewed and their recollections were all fairly consistent. Troopers from the Massachusetts State Police Crime Scene Services Section responded and carefully documented the scene. Troopers from the Massachusetts State Police Ballistics Section and personnel from the Massachusetts State Police Crime Laboratory also responded and collected evidence.

Officer Soren Levenson

Officer Soren Levenson, a uniformed patrol officer with four years experience, was the officer who shot Bryce Coutinho with his service weapon. He was interviewed by investigators on November 14th and provided the following account:

Officer Levenson arrived at the residence first, followed shortly thereafter by Sergeant Richard McDevitt, the patrol supervisor (who had twenty-seven years of experience in law enforcement). Per timing of the police radio transmission, the time of arrival was 7:59:47 p.m. When the officers arrived at the residence [REDACTED] and her friend, [REDACTED], were standing outside. [REDACTED] told Levenson that she just broke up with her boyfriend, he was refusing to leave, and that he was upstairs in the bedroom. She said that he lived there, but she wanted him to leave. [REDACTED] also told Officer Levenson that that her boyfriend, Bryce Coutinho, has been “cutting

today,” but she wasn’t sure what he used to do so. Officer Levenson agreed to talk to him.

Officer Levenson walked up to the front door of the Cape style house and knocked on it. The door was answered by a younger male, [REDACTED]’s brother, [REDACTED] (21 years old), and Officer Levenson asked if he was Bryce. [REDACTED] said “no” and directed Officer Levenson to the upstairs bedroom to the left, saying that Bryce was alone there. Officer Levenson saw [REDACTED] and [REDACTED]’s mother, [REDACTED], and [REDACTED]’s girlfriend, [REDACTED], in the living room adjacent to the front door as he entered. Officer Levenson asked [REDACTED] if Bryce had a history of depression and was told yes, he was on anti-depressants.

Officer Levenson proceeded to walk up the staircase to the second floor. The staircase was rather steep and narrow, as depicted in the photograph below.



At the top of the stairs there is a very small landing. The landing is surrounded by a wall, two doors on either side of the wall and the open staircase. The door to the right at the top of the stairs was closed and locked. The width of the stairway is no more than approximately 34 inches and the width of the doorways on either side, leading to a bedroom on each side, is no more than 27 inches. Rounding it off to dimensions of 3 feet by 2 and 1/4 feet, the landing is 6.75 square feet at most. The landing is depicted below.



As Officer Levenson got to the landing and looked to his left, he saw Bryce Coutinho lying on the bed in the small bedroom. Coutinho was on his side with one arm tucked underneath him and the other arm out with a fresh cut visible on his forearm surrounded by fresh blood. Officer Levenson said, “Hey, Bryce, what’s going on?” and Coutinho said “nothing”. Officer Levenson asked if Coutinho would do him a favor and show him his hands, just take his other arm out. Coutinho demanded to know why and Officer Levenson told him that he needed him to sit up, get off the bed, and show him his

hands. Coutinho refused and said no. Levenson again asked him to get off the bed and he again said no. Levenson took two steps towards the foot of the bed and told him "Get off the bed". At that point, Coutinho said "Fuck you, faggot," and started to kick at Levenson from a prone position and missed.

At this point, Officer Levenson got on the radio and requested that his sergeant "come up here, please". Coutinho sat up at which time Levenson saw the knife on the bed. Upon seeing the knife, Levenson took two steps backwards and drew his service weapon. As Coutinho sat up on the bed, he grabbed the knife and stood up. Levenson got on the radio again and requested the sergeant to get up there right now and that Coutinho had a knife. That transmission was made at 8:02:17 p.m. Meanwhile, Coutinho, wielding the knife, said something like, "Fuck you. You're gonna have to shoot me. I'm gonna stab you," raising the knife in the air above his head as if poised to stab the officer. Officer Levenson backed up a couple of steps and Coutinho came towards Levenson, yelling obscenities saying, "That's right you're gonna have to shoot me; fuck you." The officer commanded Coutinho to "drop the knife; drop the knife" with his service weapon pointed at Coutinho; Levenson was standing at the threshold of the bedroom.

Given the close quarters in the second floor landing/hallway, Officer Levenson was halfway in the threshold of the door, halfway in the small hallway. When Coutinho advanced towards him a couple of more steps, Levenson believed that his life was in danger and that Coutinho's intent was to stab and kill him. The officer knew he had no room to create a safe distance between him and Coutinho. If he kept moving backwards, he could have/would have fallen down the stairs or on top of the other officers, now on

the stairs in response to his calls for assistance. With this state of mind, Levenson fired two rounds into Coutinho's chest. Coutinho clutched his chest, staggered towards the foot of the bed then towards the wall until he fell backwards on the floor, landing between the bed and a bureau against the wall to the right as you are looking into the room from the doorway.

Levenson got on the radio and reported that shots were fired, while still having his service weapon drawn on Coutinho. That radio transmission was made at 8:02:34 p.m. – 17 seconds after the last transmission regarding the suspect with a knife. Officer Daniel Campbell, a uniformed officer with six years experience, came into the room followed by Sergeant McDevitt. Campbell told Levenson that he should move the knife, because it was still within Coutinho's reach. With his left foot, Officer Levenson moved the knife around a foot away from where it originally had fallen. Officer Campbell then went down to his cruiser to get his medical bag and gloves; meanwhile, a radio request was made for an ambulance to respond. Officer Campbell returned to the room, checked Coutinho for a pulse and found none. At that point, fire medics responded and took over medical treatment.

Officer Levenson left the house and was subsequently taken to the hospital to be checked out. There his weapon was taken from him by a Marlborough officer who later turned it over to State Police Ballistics Unit troopers.

Officer Levenson's account is corroborated by the accounts provided by the two police witnesses to the incident, Officer Campbell and Sergeant McDevitt, who were both interviewed by investigators on November 14th, and by the five civilians present at the

house – [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] [REDACTED] – who were all interviewed that night.

Officer Donald Campbell

Officer Campbell told investigators that when he arrived on scene, Officer Soren Levenson was inside of the house and Sergeant Richard McDevitt was outside of the house. Campbell spoke briefly with Sergeant McDevitt who was speaking with [REDACTED] and her friend, [REDACTED]. As Officer Campbell started towards the house he heard [REDACTED] say, “He’s not going to go easy,” referring to the boyfriend.

When Campbell got to the front stairs, he heard Officer Levenson over the radio asking for “Thirty”, i.e. Sergeant McDevitt. At that point, Campbell entered the house quickly and got to the front of the stairs leading up to the bedrooms. He saw Officer Levenson standing up along the top of the staircase in a very small hallway and he heard him yell, “Drop the knife”, with his service weapon drawn at someone who was not visible from Campbell’s vantage point. Campbell took two more steps up the staircase or thereabouts and heard the person in the other room yelling, “you’re gonna have to fuckin shoot me.” At this point, Campbell began to run up the stairs. As soon as he got to the top of the stairs, he saw it was at the very small hallway such that he could only put one foot onto the hallway, given Levenson’s position at the threshold of the door into the room. Campbell’s one foot was in the hallway and the other one on the last step, when two shots were fired and Coutinho fell backwards.

Campbell immediately entered the room with Officer Levenson and saw Coutinho’s knife right by his feet. He told Officer Levenson, “move the knife” and

Levenson kicked it over about five feet away from where it had originally fallen, in order to make sure that Coutinho was not going to still get up and hurt them.

After the weapon was moved, Campbell immediately went back down to cruiser, grabbed his medical bag and some gloves and returned to the room to administer first aid until the paramedics, which had already been requested, arrived. Campbell checked Coutinho's vitals and did not find a pulse. Within another minute or so, the paramedics arrived and took over.

Sergeant Richard McDevitt

Sergeant McDevitt told investigators that he was on the road when two patrol units got dispatched to 52 Meadowbrook Road, so, as patrol supervisor, he responded. Officer Soren Levenson arrived there just before him. As McDevitt pulled up, he was aware that the call was for an "unwanted party", that a girl had broken up with her boyfriend and he wouldn't leave the residence. When the sergeant pulled up to the home, there were two young women in their early twenties in the driveway and he saw three people in the house through the picture window - a young male, a young woman and an older woman. McDevitt got out of the cruiser and spoke to the two young women in the driveway briefly.

Sergeant McDevitt asked them if one of them had called the police. [REDACTED] identified herself as the caller. He asked her what her boyfriend's name was that she was having a problem with and she identified him to be "Bryce Coutinho." At that time, Sergeant McDevitt recalled that name as being someone that Marlborough police had dealt with before; he was someone who had attempted suicide in the recent past by walking out in front of a moving car on Hosmer Street, not too far from the house on

Meadowbrook Road. As a result, Sergeant McDevitt was concerned that there was going to be a problem with this call.

The sergeant started going towards the house; Officer Levenson was already inside. As he was walking toward the house, Officer Levenson keyed his mike and said "Sarge, get in here." By this point, Officer Campbell had arrived and he was actually now in front of McDevitt, entering the house. A second transmission was then received from Officer Levenson. Sergeant McDevitt could hear yelling of a male voice in the background. As a result, Campbell and McDevitt sprinted to the front door and entered. Officer Levenson was telling the person, "Drop the knife." The sergeant heard that a couple of times. He really couldn't hear what the person in the room had been saying except when Officer Levenson was calling for help over the radio. McDevitt could hear yelling in the background, but it was hard to make out what the person was saying.

Campbell got up a couple of steps and McDevitt was still at the bottom of the interior staircase when two rounds were fired. McDevitt noticed Officer Levenson was at the top of the stairs and, from his vantage point, he could only see the lower half of Levenson's body until Levenson moved into the room after the shots were fired. McDevitt went up to the top of the stairs and noticed two discharged cartridge cases on the landing right at the top of the stairs. Sergeant McDevitt went into the bedroom to the left and saw that Coutinho had fallen back, next to the bed, on the floor, on top of a fan in the room. Officer Levenson said, "Sarge, there's the knife" and McDevitt observed a knife over at the foot of the bed over to the left as you look in the room.

Officer Campbell went out to his cruiser, got a medical bag, came back in and started to tend to the victim. At this point, the homeowner, later identified as Mrs. [REDACTED]

██████████, came up the stairs. She was upset, crying and said, "I didn't want this to happen" McDevitt told her that she couldn't come up there and he walked down the stairs with her. The paramedics and firemen came as did Lieutenant Jesume at around that time.

Sergeant McDevitt was asked about his knowledge of Coutinho's previous involvement with the Marlborough police and he explained that in that previous incident (in October of 2012) Coutinho attacked this same girlfriend and attempted to strangle her and she called the Marlborough police. Before the police arrived, Coutinho tried to walk in front of a car occupied by high school students who swerved to avoid him and called the police. He was not arrested that day, but a warrant was issued for his arrest. He was subsequently arrested and there were pending charges on him for that as of November 12, 2012, when Marlborough police were again contacted by Ms. ██████████.

Civilian Witnesses

As set forth herein, at the time of the incident, there were three civilians in the house and two civilians outside the front of the house when the shooting took place. All five were interviewed separately by investigators that night. As a result, investigators learned the following:

██████████ (age 22 years) met Bryce Coutinho on August 29, 2012, on-line. On August 30, 2012, they had their first date. In mid-September, Coutinho moved in with ██████████ in the house owned and occupied by ██████████'s mother, ██████████, her mother's boyfriend, ██████████, and ██████████'s 21 year old brother, ██████████. Coutinho stayed in ██████████'s bedroom which is located on the second floor of the house. The room is directly across the hall from ██████████'s room.

Early in their relationship, there were problems between [REDACTED] and Coutinho. In fact, at the time of his death, Bryce had an open case of [REDACTED] against him in the Marlborough District Court in connection with an incident that happened at 52 Meadowbrook Road on October 3, 2012, [REDACTED]

[REDACTED] Coutinho fled the house.

After leaving the house Bryce Coutinho walked to Hosmer Street where he jumped in front of a car occupied by two young women in high school who swerved and avoided hitting him. He then threw himself in front of another car traveling in the opposite direction on Hosmer Street. That driver slammed on his brakes in an effort to avoid Coutinho, but collision was unavoidable. As police responded to the accident, [REDACTED]. When police arrived, Coutinho was alert at the scene, although bleeding from the head. He told police that he just had an argument with his girlfriend and he wanted to kill himself. There was an odor of alcohol coming from his person, as noted by the police. He was taken to the hospital in Marlborough where he was committed under section 12 due to his suicide attempt. As a result, police did not arrest him at that time, but rather, sought and obtained an arrest warrant [REDACTED].

After his release from the hospital Coutinho returned to the house at 52 Meadowbrook Road in Marlborough and was apparently permitted to stay there. Thereafter, in October, [REDACTED] learned that she was pregnant with Coutinho's child, something about which they were both apparently very happy.

On November 2, 2012, at 10:25 a.m., Coutinho was arrested outside of 52 Meadowbrook Road on [REDACTED] by the Marlborough police and he was arraigned in the Marlborough District Court on the charges that same day. He was subsequently released from court.

On November 11 and 12, 2012, [REDACTED] was staying at her friend [REDACTED]'s house in Maynard. There were numerous telephone and text messages exchanged between [REDACTED] and Coutinho during that time. [REDACTED] told Coutinho that he had become overbearing and she needed her space, she no longer wanted him living in her home and that he needed to move out. Coutinho became very upset. He told that that she would have to explain to their unborn child why he was dead. He made statements throughout that he intended to kill himself.

[REDACTED] texted her mother at 6:28 p.m. that she and Coutinho had broken up and that she was going to stay at [REDACTED]'s house. Coutinho texted [REDACTED] at 6:29 p.m. asking if she could please come home; [REDACTED] refused. [REDACTED]'s mother, [REDACTED], texted [REDACTED] at 6.30 p.m., asking why Coutinho was still at the house and telling [REDACTED] to "get home and get him out of here." At 6:34 p.m., [REDACTED] texted Coutinho that she wanted him out of her house now and that her mom wanted him out, too. Meanwhile, Mrs. [REDACTED] texted her daughter at 6:36 p.m. that she could not believe that her daughter left Coutinho alone at the house with her.

██████████, who was in the house alone with Coutinho, texted her twenty-one year old son ██████████, “██████████ broke up with Bryce. I’m home alone with Bryce. Scared.” As a result, ██████████, who was eating dinner at his girlfriend’s house, returned to 52 Meadowbrook Road with his girlfriend, ██████████. Meanwhile, after ██████████ texted ██████████, Coutinho came out of ██████████’s bedroom, came downstairs and walked out the front door. By the time ██████████ and ██████████ arrived at the house, Coutinho was gone. ██████████ locked all the doors.

At 6:48 p.m., Coutinho texted ██████████: “This is all ir fault u can explain to our klchild that that it was ur fault im dead.” In a text at 7:12 p.m., Coutinho informed ██████████ that he was at the “Jarwok Middle School”. He again texted her at 7:15 p.m. “I don’t wanna die”. Police later learned that Coutinho had called his parents complaining that he had nowhere to go/stay; he told his parents he was calling from the Jaworeck School.

Coutinho returned to the house at 52 Meadowbrook Road and rang the door bell; the doors were locked and he didn’t have a key. ██████████ opened the door and Coutinho came in the house. He walked into the living room and sat in the recliner. Coutinho stumbled as he walked, had slurred speech and ██████████ had detected the smell of alcohol. ██████████, ██████████, and ██████████ went into the computer room.

At 7:39 p.m., Coutinho texted ██████████: “Im at ur house I have no where else to go” At 7:41 p.m., ██████████ texted ██████████, “Get home he’s back.” ██████████ returned to 52 Meadowbrook Road with her friend ██████████. When they got there, Coutinho was still seated in the living room recliner. ██████████ joined ██████████, ██████████ and ██████████ in the computer room; ██████████ stayed in the living room with Coutinho.

██████ told Coutinho that he wasn't allowed on the property and that he had to leave. He refused and demanded that they talk about it. She told him to pack his things and move out. He grabbed her arm. ██████ ran up to the bedroom and Coutinho chased her. She saw he had a cut on his arm and dried blood. When they went upstairs, the four others (█████, ██████, ██████ and ██████) came out of the computer room; ██████ sat on the stairs leading up to the second floor, ██████ stood at the bottom of the stairs and ██████ and ██████ stood in the living room listening upstairs.

Coutinho was heard to repeatedly say, "You're not going to leave me. I am going to kill myself if you do. It's all going to be your fault if I die tonight." He was crying. He told ██████ he had nowhere else to go and that nobody wanted him. They were upstairs for around ten to fifteen minutes. At 7:48 p.m., ██████ texted ██████: "Homeless shelter". ██████ directed ██████ to call ██████ to come downstairs and he did so. The five all went into the kitchen, while Coutinho remained upstairs. ██████ told ██████ to call the police to get him to leave the house. ██████ went outside to get her cell phone and call the police. The Marlborough police dispatcher received the call from ██████ requesting assistance at 7:53 p.m. ██████ and ██████ waited outside for the arrival of the police.

As ██████ called the police, ██████ went upstairs to his room, directly across the hall from ██████'s room. He could hear Coutinho crying and so he opened the door to ██████'s room. Coutinho did not move and remained lying on the bed. ██████ went back to his room for a few minutes. He then went downstairs, locking his bedroom door before doing so. When the police arrived, ██████ opened the door and Officer Levenson asked if he was Bryce. ██████ directed the officer to the second floor

bedroom, on the left, at the top of the stairs. [REDACTED] described hearing the officer ask Coutinho if he was alright and Coutinho saying yeah. The officer asked Coutinho if he could see Coutinho's hands. Coutinho refused and asked why. The officer asked if they were going to have a problem and commanded Coutinho out of the room. [REDACTED] heard Coutinho challenge the officer saying, "Why don't you make me." At that time the officer requested backup. Coutinho said, "I got a knife. What are you going to do now?" [REDACTED] heard the officer radio that he had a knife and, at that time, a second officer entered the house. [REDACTED] described hearing Coutinho say, "What are you going to do, shoot me?" and the officer saying "I don't want to shoot you, just put down the knife." He heard Coutinho say "Just shoot me you pussy" and then he heard two shots and something hit the floor

Meanwhile, [REDACTED], the owner of the house and mother of [REDACTED] and [REDACTED], came upstairs after the shots were fired and she had to be escorted downstairs by Sergeant McDevitt. When Officer Levenson left the house, after the paramedics arrived, he heard [REDACTED] saying, "I knew this was going to happen. I knew he wanted this to happen. I knew he was going to make this happen."

During the investigation it was learned that Coutinho's parents lived in Marlboro and investigators went to make a notification to them of his death. The parents would not allow the officers into their home, instead speaking to them in the driveway. The parents told investigators about their last conversation with their son earlier that night during which he told them he had no place to go and sounded distraught and upset. Although investigators tried to obtain further background information from the parents, they did not want to provide the police with any more details or information. Coutinho's mother did

stress that they had tried very hard to get him some help. Sergeant Manning contacted the parents¹ the following evening when the autopsy was completed to inform them of the next steps.

Forensic Evidence

An autopsy was performed by Dr. Renee Robinson. Autopsy findings included that there were two entrance wounds to the left side of the body; one was just above the left nipple, penetrating the heart and lung; the other closer to the center mass, penetrating the liver. Both spent projectiles were recovered at autopsy. Either injury would have been lethal. The toxicology report shows that Coutinho's blood alcohol level was .13. The results were also presumptive positive for opiates and positive for morphine.

Two discharged cartridge cases were recovered. They were documented by Crime Scene Services which showed one on the landing and the other just inside the door.² Both were examined and were determined to have been discharged from Officer Levenson's service weapon.

The knife Coutinho used to assault Officer Levenson was recovered in the bedroom. It belonged to [REDACTED] and came from a cooking school she attended. She kept the knife, part of a set, in her bedroom. The blade was approximately eight inches long and had a sharp point. It is depicted in the following photograph. As noted above, it was moved slightly, prior to the photograph being taken, to assure it was out of reach of Coutinho.

¹ It was later learned that Bryce Coutinho's mother suffered a massive heart attack later that night of November 13, 2012, and she subsequently died

² These were noted after other officers and EMTs responded to the second floor bedroom



Recent Past History with the Marlborough Police

Marlborough police reports of prior encounters with Bryce Coutinho were also reviewed. That review revealed the following:

In May of 2008, Coutinho was charged with possession of class D as a juvenile. Coutinho smoked marijuana and experienced difficulty breathing which lead to a 911 call being placed on his behalf. A hearing was requested, but there is no entry on his record for the event.

On April 10, 2012, Coutinho was living at a shelter on Mechanic Street in Marlborough. People from the shelter called the police to assist them with locating Coutinho, who was reported to have made suicidal statements to a friend before leaving the shelter.

On April 22, 2012, the shelter again contacted Marlborough police and requested a well-being check on Coutinho. He was highly intoxicated and he was not allowed to stay there given his intoxication. Coutinho was then placed into protective custody.

On July 16, 2012, Coutinho called a friend and told him he was depressed, wanted to kill himself and had just taken pills and cough medicine. His friend picked him up and tried to take him to the hospital. When he refused to go to the hospital, the friend drove him to the police station, because he did not know what else to do. Coutinho told the police that he and his girlfriend of three years had broken up and his friend was just “overreacting”. He was sent on his way after contracting for his safety with the reporting police officer.

On August 24, 2012, Coutinho was living at a boarding house in Marlborough. Police were called when Coutinho, who was drunk, threatened to harm himself.

On August 26, 2012, Coutinho was in a car accident that did not appear to be his fault.

On October 3, 2012, Coutinho was involved in a domestic assault on [REDACTED], after which he left the house and tried to kill himself by jumping in front of moving cars.

On November 2, 2012, Coutinho was arrested and arraigned on the warrant charging [REDACTED].

On November 12, 2012, he refused to leave the house at 52 Meadowbrook Road and was shot.

Legal Analysis

In Massachusetts, a person may use deadly force to defend him or herself or another if the person has reasonable ground to believe, and actually believes, that he or she is in imminent danger of death or serious bodily injury, and that no other means would suffice to prevent such harm. The person must actually believe that he or she is in imminent danger of death or serious bodily harm. In addition, the circumstances as perceived and understood by the person must be such that a reasonable person would believe that he or she was about to be attacked, and that he or she was in immediate danger of being killed or seriously injured.

Bryce Coutinho had a past history of suicide attempts. His history of alcohol and substance use and abuse coupled with his mental health issues made him unpredictable and dangerous – to himself and others. His actions and statements, leading up to the fateful encounter with the Marlborough police, indicate that he intended to harm himself. His provocative actions towards Officer Levenson, in the close quarters of the second floor, seem a classic example of someone who was looking to commit “suicide by cop”.³

In the totality of the circumstances, Officer Soren Levenson was in imminent danger of being stabbed and killed by Bryce Coutinho and that at the moment he shot Coutinho, he had no maneuver room given the size of the landing, the locked door across the hall and the wall to one side and the steep stairway to the other side, and the impending presence of other responding officers on the stairway.

³ Although a colloquial term that concept is recognized in police training and in social science literature as an incident in which a suicidal individual engages in intentional, life threatening behavior to the degree that it compels an officer to respond with deadly force. Said another way, the situation involves “an individual who wishes to die and uses the police to effect that goal.” D Kennedy, R Homant & R Hupp, “Suicide by Cop”, August 1998, FBI Law Enforcement Bulletin.

Based upon the totality of the circumstances documented here, it is my opinion and that of the investigators that, the use of lethal force by Officer Soren Levenson was justified based on his need to protect himself from the immediate threat of death or serious bodily harm from Bryce Coutinho, who was suicidal and had expressed suicidal thoughts within an hour of the police response to the house. The police officer's use of force was not excessive in the circumstances and, therefore, the death of Bryce Coutinho was a justified homicide in the reasonable exercise of self-defense, under Massachusetts law.